

INQUIRY CONCERNING A ) Supreme Court  
JUDGE, NO. 00-319 ) Case No. SC00-2510  
JOSEPH P. BAKER )  
\_\_\_\_\_) )

The Judicial Qualifications Commission, pursuant to Rule 9.330(a), Florida Rules of Appellate Procedure, hereby responds to Judge Joseph P. Baker's Motion for Rehearing or Clarification and states that the Motion should be denied for the following reasons:

2. The gravamen of Judge Baker's Motion is that he did not violate Canon 3B(7) because he followed Federal Rule of Evidence 201 by disclosing to trial counsel the fact that he had made inquiries of computer experts and

that his position is supported by the testimony of Professor Amy Mashburn and retired Judge Charles Scott. These arguments, however, were squarely presented in Judge Baker's original response (Response to Order to Show Cause, pp.1-4, 18-20, 26-37), and addressed in the Commission's reply (Reply of Judicial Qualifications Commission, pp.7-8, 26-28).

3. Judge Baker contends in the Motion that his inquiries of computer experts was "part of extensive legal research done by Judge Baker [which] fall within the exception of Canon 3B(7)(b) for obtaining 'the advice of a disinterested expert on the law' . . . ." (Motion, p.2). This contention presents an issue not previously raised in Judge Baker's Response to the Order to Show Cause or Reply to the Commission's Reply. In the findings and conclusions submitted by the Commission, the Hearing Panel found that the exceptions to Canon 3B(7), including the exception for advice from disinterested experts on the law were "irrelevant to the case" (Findings, Conclusions and Recommendations by the Hearing Panel, p.12). Judge Baker has not previously challenged this finding. Previously, Judge Baker contended that his consultation with computer

experts involved an inquiry into "legislative facts" as permitted by Federal Rule of Evidence 201 (Response to Order to Show Cause, pp.25-27), which argument was also addressed by the Commission in its Reply (Reply of Judicial Qualifications Commission, pp.25-27).

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Certificate of Service

I DO HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by United States Mail this \_\_\_\_\_ day of March, 2002:

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Certificate of Compliance

I DO HEREBY CERTIFY that the Response of the Judicial Qualifications Commission to Judge Baker's Motion for Rehearing or Clarification was prepared in Courier New 12-Point font.

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Attorney